

REMARKS

Claims 1-21 are pending in the application. Claims 1-21 have been rejected by the Examiner.

Claims 9 and 18-21 are objected to for informalities. Specifically, claim 9 previously had the phrase "off-hook signaling" which antecedent basis was not clear. Claim 18 referred to a 'routed telephone' rather than to a 'routed telephone call.' Both of these informalities have been corrected by amendments to the claims above. It is submitted that these amendments overcome the objections and allowance of these claims is requested.

Claims 1-21 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claims 1 and 18 recited 'the remote telephone,' which had unclear antecedent basis. This has been corrected to the claims above. Claims 2, 8, 10, and 13 referred back to 'first and second signaling' language that had previously been removed by amendment. These references have been corrected by amendments to the claims above. Claim 3 and claim 9 had improper antecedent basis for either 'in-band signaling' or 'on-hook signaling.' These have been corrected by amendments to the claims above. In claim 10 and 14 the reference to 'the local PSTN' has been provided proper antecedent basis. It is submitted that these amendments to the claims overcome this rejection and allowance of all claims is requested.

Claims 1-2, 4-5, 8-18 and 20-21 are rejected under 35 USC 103(a) as being unpatentable over Dowling et al. (US Patent No. 6,574,239) in view of Christie, IV (US Patent No. 6,430,176).

It is noted that, while the rejection set forth above does not list claim 6, the text of the rejection addresses claim 6. Applicants have assumed that claim 6 is included in the rejection.

Dowling is directed to a 'virtual communications server' that establishes a communications session with a remote user upon a first interaction. If the remote user disconnects from the virtual communications server, the physical connection is terminated, but the communications session between the server and the user's account remains active. If the user reconnects to the server, the user is reconnected to the active session on the server.

In the office action, there is reference to Dowling's ability to provide an outside line (outside a PBX) to a user. This is referred to at column 11, lines 41-55. However, there is no reference to the user being given an outside line once this virtual communication session has been established. The reference in Dowling is to general characteristics of the virtual communications server as a 'simulated PBX.' If the user wants to make an outside call in Dowling, the user disconnects with the virtual server, places the call and then reconnects by whatever means available. See Dowling, column 21, lines 10-15 and 34-38. The disclosure of Dowling seems to acknowledge that the user's desire to place a local call while in the system is a problem, and offers as the solution to disable the ability to place this call. See Dowling, column 24, lines 4-13.

This is far different than notifying the PBX that the user's phone is busy, which then allows the user to place a call outside the PBX and then, when the user's call is done, removing the busy indicator, as is required in claim 1. In Dowling, the 'virtual presence' is indicated by the active communications session. In the instant application, the virtual presence is indicated by an off-hook indicator. These are vastly different concepts and are not addressing the same problem. Claims 1, 10, 14 and 18 have been amended to more

clearly show that the placement of a call outside the PBX occurs while the PBX thinks the phone is busy.

With regard to claim 14, it must be noted that the virtual communication session is on the virtual communications server 215 and the application program, that which allows the user to gain access to the server, is on 220. The virtual communications server 215 does not actually have the PSTN link, it merely allows users to access it through a link via the application program 220, on the communications interface 210. Therefore, Dowling does not show a local PSTN link.

Similar to the discussion of Figure 1, Dowling does not teach an off-hook indicator, used to indicate that the user's phone is busy to the PBX while the user places an outside call. As the user is remote in Dowling, the user can establish a local call by disconnecting from the virtual communication server physically, placing the call, and then reconnecting later. It is therefore submitted that claim 14 is patentably distinguishable over the prior art and allowance of this claim is requested.

Christie only addresses in-band signaling, and does not overcome the deficiencies of Dowling as discussed above. Claims 14 and 18 have the same requirements of claim 1 and 10, respectively, but are in different form. It is therefore submitted that claims 1, 10, 14 and 18 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2, 4-6, and 8-9 depend from claim 1; claims 11-13 depend from claim 10; claims 15-17 depend from claim 14; and claims 20-21 depend from claim 14. These claims inherently include all of the limitations of the base claim as well as their added features. For the reasons discussed above, these claims do not show, teach nor suggest the invention as claimed in the base claims, much less the further features of the dependent claims. It is

therefore submitted that claims 2, 4-6, 8-9, 11-13, 15-17 and 20-21 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 3, 7 and 19 are rejected under 35 USC 103(a) as being unpatentable over Dowling in view of Christie, IV and further in view of Foodeei, et al. (US Patent No. 6,445,696).


Contrary to what is stated in the office action, Dowling and Christie do not teach the subject matter of the claims invention of claims 1 and 18, from which these claims depend, respectively. The addition of Foodeei does not overcome the deficiencies of the combination of references for the reasons set forth above. Therefore, it is submitted that claims 3, 7 and 19 are patentably distinguishable over the prior art and allowance of these claims is requested.

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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